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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

SIERRA FOREST LEGACY, SIERRA  
CLUB, EARTH ISLAND INSTITUTE,  
and CALIFORNIA NATIVE PLANT  
SOCIETY, non-profit organizations,

Plaintiffs,

v.

BERNARD WEINGARDT, in his official  
capacity as Regional Forester, Region 5,  
United States Forest Service, EDWARD  
COLE, in his official capacity as Forest  
Supervisor, Sierra National Forest  
United States Forest Service, ABIGAIL  
R. KIMBELL, in her official capacity as  
Chief of the United States Forest Service,  
and UNITED STATES FOREST  
SERVICE, an agency of the United States  
Department of Agriculture,

Defendants.

CASE NO: C 07-2646 SBA

**DEFENDANTS' STATEMENT OF  
RECENT DECISION**

Pursuant to Civ. L.R. 7-3(d), Defendants hereby give notice of recent authority relevant to their pending motion to transfer venue in the above captioned action. In Center for Biological Diversity and Pacific Environment v. Kempthorne, No. C-07-0894-EDL, slip op. (N.D. CA. July 11, 2007), the Court granted the Government's motion to transfer a case challenging a Fish and Wildlife Service decision from the Northern District of California to the District of Alaska. The Court found transfer appropriate because, *inter alia*, the challenged decision would most effect residents of Alaska, and the interest in having "localized controversies decided at home," outweighed plaintiffs' choice of forum. Id. at \*8. In this case, Defendants have argued that transfer to the Eastern District of California is appropriate in part because the land and interests most affected by the Kings River Project are all located in the Eastern District. See Docket No. 19 at 3. A copy of the decision is attached.

Respectfully submitted this 18th day of July, 2007,

RONALD J. TENPAS  
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Environment & Natural Resources Division

/s/ Barclay Samford  
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